

APPROVED: MEETING NO. 32-84

ATTEST: *Helen McKenaghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 27-84

August 27, 1984

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 7:00 p.m. on Monday, August 27, 1984, to discuss litigation.

Present were Councilmembers Steve Abrams, Viola Hovsepian, Douglas Duncan and Mayor pro tem Tyner.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 8 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:00 p.m. on Monday, August 27, 1984.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;
Secretary II Patricia Rager.

Re: City Manager's Report

Mr. Blick reported the following:

1. The parking lot at the Civic Center has been restriped and there are now 26 more spaces.

2. Gail Moore, the City's Contract Agent, has been chosen by other agents to be the Chairman of the COG Purchasing Officer's Committee

3. The City has received notice from Maryland Historical Trust that the City's request has been approved for a \$12,000 grant to survey historical properties in the community and to prepare a slide program.

Re: Appointments

Mayor Freeland, with the confirmation of the Council, made the following appointments:

Board of Appeals: Robert Puckett, to vacancy left by P. Hartogensis - exp. 1/86
11 Guy Court

Rockville Seniors Inc.: William Miller - reappointment - 1 year term

ACSC: Marilyn Freeland - 2 year term as Alternate
625 Warfield Drive

Cultural Arts Commission: Dr. Frank Mate - 2 year term
613 Aster Boulevard

Landlord/Tenant Affairs Commission: John Dale - Tenant Alternate - exp. 3/85
1735 Redgate Farms Court

Daniel Barnett - at large alternate - exp. 3/85
5705 Halpine Road

Human Rights Commission: Kathryn A. Sayer - 4 year term
872 College Parkway

Re: Resolution: To
Commend Colonel Onno
Oldigs, German
Military Attache

Resolution No. 30-84

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, Resolution No. 30-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, commending Colonel Onno Oldigs, German Military Attache, was approved by the Mayor and Council.

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Re: Presentation by
Richard Montgomery
High School boosters
Club

Mr. Ron Piner, Jr., Treasurer of the Richard Montgomery Boosters and past student, presented to the Mayor and Council a check for \$5,000 toward their share of the funding for the lights at the Richard Montgomery High School stadium. Mayor Freeland thanked Mr. Piner and accepted the check on behalf of the Council.

Mayor Freeland said he will delay Citizen's Forum in order to honor a request by Councilwoman Hovsepian and Councilman Duncan to read prepared statements.

Councilwoman Hovsepian expressed how she is still uncomfortable with the Mayor's decision to work for Eisinger/Kilbane and how deeply concerned she is about the diminished integrity of the Mayor and Council. She said the Mayor can no longer function fully in the position for which he was elected. She mentioned that the Mayor's being employed by Eisinger/Kilbane & Associates has presented a problem that has already caused the City staff and the citizens to expend much time and energy on this issue. It has been priority time and energy taken away from other City business.

From this situation she feels a stronger Code of Ethics for the City must be brought about and she will do her best to see that such a Code is passed.

She said she "affirms" Mr. Duncan for his opposition to the way the IFR Executive Committee expressed its endorsement of the Mayor. The conclusion she reached from the last paragraph of their support resolution was that "anything the Mayor does has the advance approval of the organization" and apparently, there was no concern expressed about the diminished role the Mayor will have in providing leadership on critical issues facing the City.

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For the moment she feels the most critical issue facing the Mayor and Council is the restoration of the eroded public confidence in its governing body and the Council must act quickly to reassure the citizens that the Council does take the necessary steps in the best public interest. She again reiterated her concern for the enactment of stronger amendments to the current Code of Ethics.

Councilman Duncan next read from his prepared text regarding Mayor Freeland's job with Eisinger/Kilbane and about the misperception on the case of City officials regarding his concerns and position on Mayor Freeland's job.

Councilman Duncan reviewed the series of events, to date, since Mayor Freeland started working for Eisinger/Kilbane & Associates on July 2. He said two newspapers incorrectly implied that the City Councilmembers did not have any concerns about the Mayor's job. On July 7 he wrote letters to those papers correcting the record and gave a copy of the letters to the other members of the Mayor and Council. On July 9, an executive session was convened for purposes of land disposition and personnel. During the rest of that week, he talked to the City Attorney and Mr. Abrams about his concerns. On July 18 he met with Mr. Freeland for over an hour and discussed very specifically the concerns he had over the situation since the Mayor accepted the job. On July 22 the four Councilmembers met in executive session with the City Attorney, the City Manager and the City Clerk. He said he explained concerns and position on this matter during the meeting. On July 30, the Mayor and Council and the City Manager, City Clerk and City Attorney met in executive session again. Once again he explained his concerns. On August 2 the IfR executive council had a meeting. He explained as best as he could his concerns. He also announced then that he could not support the resolution that the IfR was endorsing. On August 21, he hand delivered his letter of resignation to Mr. Lawrey and mailed copies to other IfR members of the Council. Councilman Duncan explained that during this

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whole period, he has had many individual conversations with various City officials, IfK members and citizens and that he has shown a clear record of talking with his fellow councilmembers and others. For any one to state or suggest otherwise, is simply not true.

The second matter he would like to mention is the executive session of July 9. He explained how the City Attorney feels it is inappropriate to open it up at this time.

His third point is where to go from here. Mrs. Movsepien and others have consistently spoken of their concerns over an aspect of this situation and that is whether or not the City government can function properly and effectively while Mr. Freeland continues to hold both jobs. It is his opinion that the City government is not functioning effectively. Holding both jobs at the same time has not worked, cannot work in the best interest of the City. Mr. Freeland's continuing abstension and absences are not giving the citizens the full representation and participation that they expect. Mr. Freeland has become a part, part-time Mayor and has reduced the peoples voice by 20 percent on many important issues. This specific situtation must be quickly resolved. Even if Mayor Freeland were to resign from Eisinger/Kilbane the City would still be left in the position of continually defending his impartiality on every major land use issue. In his opinion the only option left to the City to get full Mayor and Council moving again is for Mr. Freeland to resign as Mayor and for the Council to appoint a Mayor who will fully participate in 100% of the major issues facing the City.

Councilman Abrams said he would like to express his feelings regarding this issue. He stated that from the outset, the decision of employment by the Mayor is the Mayor's decision. He said the Mayor and Council are charged with upholding the laws of the City of Rockville and making decisions in its best

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interest. The standard that should be applied is whether any laws have been violated or any damage has been done to the City by the Mayor and that he has not concluded to this date that that has concurred. He said laws can be written very strongly but it is no substitute for electing ethical people.

He said this Council is a part-time Mayor and Council and should act accordingly. He does not want to see the Council rushing off in the heat of a moment and try to create such a restrictive form of government and eligibility that competent people are not elected to serve on the Mayor and Council because that does not serve the City of Rockville well. He mentioned he has not heard any of the public outcries that his fellow councilmen are hearing and he has also not seen the outpouring of public concern. He believes that local government is at the foundation of the American system of government. The presumption of innocence until proven guilty still applies in our judicial system, but that is not what he is seeing. What he is seeing is a campaign that is being very neatly orchestrated. He said he did speak with Mr. Duncan about his having some problems with some of the actions of the Mayor and told him to go tell the Mayor. He said Mr. Duncan also was trying to convince him that something illegal had taken place. As a lawyer, he tried to understand what Mr. Duncan thought was illegal. He said that he did not find much of a case and suggested he talk to the City Attorney to see if his interpretation was the same. He said he would let the City Attorney and Mr. Duncan speak for themselves.

He said there is a stampeding being attempted and it does not do anyone any good. He is speaking a little bit out of turn, because he has gotten very angry at this whole circumstance and the way things are being done. This Mayor and Council have been serving together now midway through a second term. The Council ought to be able to talk to each other openly rather than talking through the press to express feelings. When something is on his mind he will talk about it here or in executive session.

There are people who are not happy with the laws that were passed in 1974 concerning ethics and financial disclosures. These laws passed were well intended but do not solve the problem the City is facing. He said there can be talk about ethics law and about disclosure law but there are only two routes to take - prohibition or disclosure. He said if he is ever led to believe that there was anything improper about the Mayor's employment, he will demand his resignation and will come forward with very specific reasons for demanding it. But until that time, he thinks the inuendos, the shots that are being taken and this whole area and this game of perception is a bunch of "stuff".

Councilman Tyner said he would like to address the fact that he has had heard three extremely articulate points of view, well documented and well proposed. And, he has also heard from in the past couple of weeks, well-articulated opinions from all sorts of people, pro, con, in between; and he believes that is, in part, what Councilman Abrams is trying to say. He told the audience this shows the strength of the Mayor and Council, the strength of the City government, and the strength of the citizens. The ultimate outcome of the situation will probably be a much stronger ethics ordinance with an iron-clad conflict of interest provision, not only for business people or political activities, but for a number of other things. He applauded everybody who has publicly come out to state something whether it be for or against, pro or con. That shows strength and all should be proud. In recent weeks there has been talk of people not getting out and voting, not caring about issues and so forth. In recent times, he cannot remember when there has been packed sessions in sequence; not since Town Center and that is going back four or five years. This Mayor and Council, despite its diversion, still functions and, still addresses 90% of the business of the City as a group of five elected officials. This Mayor and Council has listened to the public, pro and con, has set upon a

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process which will be discussed later on tonight, which will lead to work sessions and public hearings. He said he would hope that the Council can get on with business, and just wait and see what happens, as is done on every issue.

Mayor Freeland said there were some good remarks hit upon and will now continue with business.

Re: Adoption of Ordinance
on Amusements and
Vendors Regulations

Mayor Freeland said that the Council is postponing any action on this ordinance tonight and will reopen the record for another two weeks. It will be addressed at that time. Councilwoman Hovsepien asked that notices be sent to all license holders about the extension.

Councilman Tyner moved, duly seconded, that any letters received to date be included in the record.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Gino Capotosto addressed the Mayor and Council concerning "Raise the Flag". He said the project is nearly completed and is turning all the money over to the Mayor and Council, except \$10 in order to keep the account open at the bank. He then proceeded to present to the Council a check for \$12,709.51.

Mayor Freeland thanked Mr. Capotosto and the American Legion for all their help and support.

2. Joan Hatfield, Legislative Liaison for the Montgomery County Board of Realtors. Ms. Hatfield addressed the Mayor and Council regarding the use of temporary real estate directional signs. She requested that the City Manager allow temporary real estate directional signs to be placed on public property or rights-of-way from Saturday noon until Sunday sundown. She also requested that the Sign Review Board consider amending the Sign Ordinance to allow temporary

real estate signs. She said the Board of Realtors is always willing to assist in the enforcement of the sign regulations and urged the City Manager to support their requests.

Mayor Freeland asked the City Manager to bring back more information to the Council.

3. Richard Terselic addressed the Mayor and Council concerning the Amusements and Vendors proposed ordinance before the Mayor and Council this evening. He thanked them for taking into consideration his proposals.

4. Carole Cohen, President of the Twinbrook Citizens Association. Mrs. Cohen said she would like to address the Mayor and Council concerning Agenda Item No. 17 - Permit Parking. She explained that the Mayor and Council requested the TCA to poll its citizens on whether they would like to have permit parking implemented in their neighborhood. Their survey is almost completed and they expect to have it done after Labor Day. She has been working with the City Clerk. She would like to assist the City and asked if it would be easier to wait until it is completed or turn in the petitions street by street. The City Manager said it would be easier to do it by street.

She next addressed the Council concerning the Twinbrook Shopping Center - particularly Goodwill. She said the TCA would like to help and show goodwill to Goodwill but are having problems with them. She explained that the Association has been working with Licenses & Inspection on the problem of clothes and furniture being dropped off on Sundays. A 30 day notice was issued by Licenses and Inspection. That time is up and the problem is still there. She asked if the management could do anything to help solve the problem.

Her last item of business is to draw the attention of the Council to Jeff Williams. The TCA has worked closely with him and they wish to express their gratitude for all his help. She explained he comes whenever asked and never

complains. He is very efficient and creative and is a great asset to the City. She presented to Mr. Williams, a certificate expressing their gratitude.

Mayor Freeland told Mr. Williams that if he could think of anything else good to say he would add to it but Mrs. Cohen said it all. Councilman Tyner said he would like to get Phase II of the Twinbrook Plan concerning permit parking in early.

5. Patrick Woodward, 111 North Van Buren Street and President of the West End Citizens Association. Mr. Woodward read a statement adopted on August 17 by the Executive Board of the West End Citizens Association in which it was unanimously agreed that the Mayor and Council have provided leadership to the City. However, full-time employment by Mayor Freeland with Eisinger/Kilbane has disappointed many citizens in the West End. Many feel his employment will affect the operation of the city government on important issues regarding the redevelopment of the Mall; cause significant disruption of city government; and the decision by the Mayor and Council on other common areas could be tainted and will erode public confidence. He said the West End further urges the Mayor and Council to adopt a stronger ethics ordinance as quickly as possible and asked that the Mayor and Council appoint a citizens board to help in preparing a stronger ethics ordinance.

6. Harvey Zuckman, the City's representative to Montgomery County's Advisory Commission on Cable Television. Mr. Zuckman brought to the Council's attention a problem that is a result of a compromise worked out between the County Executive and the County Council regarding the structure of access channels. He explained that there will not be a person from Rockville on the Board of Directors. He said there is a Contract signed between the County and the Mayor and Council that provides that whenever a body is assembled regarding Cable TV, Rockville is to have a voting member on it. He said this is a clear cut case and that the County is not upholding their end of the deal. No court

of law would uphold this because this agreement is so clearly stated in the contract. He told the Council that municipalities have had to battle with the County Executive for recognition and that the City is a co-franchiser of this agreement. He requested that the Mayor and Council strongly protest this violation and ask the City Attorney to take action to Court. He does not want to be "rolled over" by the County. He mentioned that in the past, the County Executive has been somewhat supportive of municipalities. Dr. Zuckman again reiterated his request that the Mayor and Council take some kind of action against the County.

Mayor Freeland thanked Dr. Zuckman for all his efforts and said he agrees with what he has said. He has had some strong conversations with the officials across the street and does not know what to do except coming short of instructing the City Attorney to prepare the necessary legal documentation to go to Court. He said he will go with the pleasure of the Council. He expressed his concern over this very blatant disregard of the City and its citizens. He asked if anyone agrees with him. Councilwoman Hovsepian said she agrees. Councilman Tyner stressed that it is not just the City of Rockville that is affected but also the Maryland Municipal League and the City of Takoma Park which is a very large segment of the County. He agrees with Dr. Zuckman. Mayor Freeland agreed that the City has been the leader and said the City Attorney has his guidance from the Council.

Mr. Dickran Hovsepian, present in the audience, reminded the Council that he worked on this project with the County and the City in 1972. He suggested that the City go back and review the minutes from that time.

7. Tom Buck, President of Potomac Woods Civic Association. Mr. Buck addressed the Council about the crabapple tree project. He explained how the citizens of Potomac Woods have been cooperating with the City and has been in

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close communication with the Department of Recreation and Parks in identifying the problem since last May. He explained that his group met with City representatives to discuss the project, sent out information and application forms and took part in the selection of a type of tree for replacement. It was decided though, at a Woodley Gardens meeting, that Potomac Woods had "jumped the gun" and then had to coordinate with the City in sending back applications for tree replacement and resubmitting to the City. His group reluctantly accepted the lottery system of choosing tree recipients based on a new deadline. He asked that the residents have their requests honored, particularly those who had their requests submitted in advance of the deadline. He said the residents submitted their requests in good faith and agreed to cut and remove the trees as part of their commitment. He added that at least those who submitted their request on the first two days of the new deadline could be accommodated. He recommended that the City adopt a replacement policy on a more systematic and thorough basis. Also, instead of the optional lottery approach, he asked that in the future the City plan with the communities.

Mayor Freeland explained that the City is faced with a cost of a quarter of a million dollars to remove and replace the trees. He understands that the trees need to come down and asked for the citizen's support and assistance as the City goes through the process in order to do a job better than is done now. Councilman Abrams said the Mayor's statement reflects accurately the situation. He said he will be bringing this subject up under new business to go forward with an additional 250 trees to cover the requests that came in on the first 2 additional days.

8. Julie Wilson, 909 Stonestreet Avenue. Ms. Wilson addressed the Council on behalf of her mother Geraldine Wilson, Chairperson of the Lincoln Park Citizen's Association. She said the Lincoln Park Citizen's Association is appalled at how the Mayor and Council ignores the entire Lincoln Park Community

and how they only get noticed when it manages to get "sensationalized" by some unfortunate act. She said the citizens are angered by the action of the police department, are frustrated over the pedestrian bridge, housing in their community, the lack of little or no educational or employment future for the youth, etc. She said these are a few of the many problems facing her community. The Lincoln Park Community Center staff has been working with the residents to address these problems. She expressed their dissatisfaction over the recreation programs that will be offered at the Community Center. These programs will not address the problems within Lincoln Park. The Neighborhood Planning Advisory Group had requested budget money to come to the center so that staff there could plan programs which would enhance the conditions and quality of family life in Lincoln Park, not to have the recreation department come in and "play games". She said the problems facing the community are numerous and they do not expect changes overnight but are willing to work to accomplish these changes.

Mayor Freeland said he speaks for the Council that most of the things mentioned are sensitive to them and they are trying to work and do things to correct these problems.

9. Bob Turner, 616 Azalea Drive. Mr. Turner addressed the Council concerning the sign ordinance and the enforcement action taken by Licenses and Inspection on the use of temporary directional signs for real estate. He explained that during a review of the Sign Ordinance by the Economic Development Council it was found that these signs were illegal and he hopes that the Sign Review Board can find a reasonable solution to this problem.

10. Tom Lawrey. Mr. Lawrey said it is with reluctance that he addresses the Mayor and Council. He explained that he has devoted the past 10 years to the IfR party and its supporting members. He said he does not ask those who oppose Mr. Freeland to remain silent regarding his employment with

Eisinger/Kilbane but did ask them to look at the situation as IfR and as the Mayor and Council has. He feels Mayor Freeland is innocent in what he is doing and suggested that the Mayor and Council go ahead and get along with the business at hand. He asked that support be given to all five members of the Council. He went on to say he respects the statements by Councilman Duncan and Councilwoman Hovsepian. He said there is a small line between their thinking and his thinking. He said if he had to choose between Mr. Duncan or Mayor Freeland to resign he would have to say Mr. Duncan should resign.

11. Mark Allen 926 Farm Haven Drive, President of North Farm Civic Association and a member of the IfR Committee. He said this is his personal feeling. He explained that when he first heard of the Mayor's employment with Eisinger/Kilbane he was very suspicious; but after talking with the Mayor, he felt the Mayor had done nothing wrong. He feels the attack on Mr. Duncan is to even off the attacks on the Mayor; and as of tonight, he will no longer retain his position on the IfR Board and hereby resigns. The statement by IfR was not and had not the full support of all the members. He stated that if a City employee had done what the Mayor had done, he would no longer be a City employee.

12. Dennis Cain, 502 Carr Avenue. Mr. Cain said the agendas of recent Council meetings have been rather full and tonight's agenda is no exception with 23 items listed. He noted that the majority of the meeting will be handled when people are in bed. He asked if the Mayor and Council would consider moving the starting hour up to 6:30.

Mr. Cain then commented on Councilwoman Hovsepian's statement and asked her what she would propose to handle this situation. Councilwoman Hovsepian said to quickly pull together a stronger ethics ordinance.

13. Alice Kelly. Ms. Kelly said the Mayor's employment has caused disruption among the citizens and the Council. She applauds Councilman Duncan

and thanks both Councilman Duncan and Councilwoman Hovsepian for their statements. She then addressed the Mayor and said she has heard from everyone on this issue but him and asked what he has to say about the situation. Mayor Freeland said if there were a simple solution he would give an answer.

14. Mr. Robert Jacques. Mr. Jacques said he addressed the Council at their last meeting and suggested eliminating the position of election judges for the City Election. He is distressed that the Council did not act on his suggestion. He said if the Mayor and Council did not wish to consider State registration, perhaps they can explore a simultaneous registration with State's registration. He is convinced that there are many city voters who would like to vote but are confused about registration. Mayor Freeland said the Council too would like to eliminate as much confusion as possible.

15. Ben Horton, Cedar Lane. Mr. Horton said he joins with Dale Holt on the issue of Wainwright Parking and asked that favorable action be taken.

Mr. Horton said he is saddened by Mr. Allen's resignation from lfr. He said Mr. Allen's and Councilman Duncan's absence will be missed and there will be a void. He has taken Councilwoman Hovsepian's comments in respect of her personal judgment. The time has come to set this aside and come to an end. It is time to get down to running the business of Rockville. He has high respect for the Mayor and for all the Councilmembers. He asked that they see what they can do to join together to move forward.

16. Phyllis Blum, president of Markwood Citizens Association. She said she comes before the Council regarding the Mayor's conflict of interest. It distresses her and other citizens that the Mayor took the job and did not resign one of his positions. She said she can understand certain councilmembers having conflicts of interest but is dismayed when hired by the redeveloper of the Mall.

Councilman Abrams asked Mrs. Blum what standard should be applied that a citizen can or cannot run for office and he would like her understanding of where there is an erosion of confidence.

Mrs. Blum said the standards should apply the same to everyone else. Councilman Abrams asked then why not ask that same question to the other councilmembers.

Councilman Tyner said with all due respect he too is tired of looking at 20 agenda items and this item is up to the Mayor and Council to decide what to do. He asked that the next agenda item be addressed. Councilman Duncan objected to the closing off of the citizen's forum portion of the meeting. He said the citizens are here to be heard.

17. Peg Gearin. Mrs. Gearin said she is opposed to the Mayor's position with Eisinger/Kilbane.

18. Leah Barnett, 19 Orchard Way North. Mrs. Barnett said she has been a citizen of Rockville since 1964. She has heard inuendoes the past few weeks as though something terribly illegal has gone on. The actions tonight have taken "us" back many years to a childish behavior. She said the Mayor has served the City well and the fact that he has taken a job with a developer and has abstained from dealings should be enough. The integrity of the Mayor for the past years should not be forgotten. She said she is very sorry to have Councilman Duncan leave the IfR party and explained that the resolution gave the Mayor a vote of confidence from the IfR. It did not give the Mayor support to run the City any way he likes. She added that if there were something illegally being done, the City Council and Attorney would let the citizens know.

19. JoAnn Mazzetta, Chairman of the Human Rights Commission. Mrs. Mazzetta addressed the Mayor and Council regarding the Lincoln Park Community and raised concerns about the "Red Barn" apartments that has had 35 code violations issued against it and asked what the City was doing to see that the owners

come into compliance.

The City Manager read to the Council a memo written by the Superintendent of Licenses and Inspection that gave the background on this particular property. He explained that staff has been working on this problem, following up on each notice and imposing fines. The staff will go to court if the code deficiencies are not corrected. Mrs. Mazzetta said she would like to see the City address low income housing so that citizens will not have to live in substandard conditions. Mayor Freeland said the City Manager will follow up on it and asked that Mrs. Mazzetta please keep in touch with the Council.

20. Verda Rexroth, 304 Lawrence Drive. Mrs. Rexroth told the Mayor and Council that she has lived in the City for 34 years. She feels that many people do not know the facts that brought everyone together this evening. She said that the Mayor and Council have been on the job and that there is no need for erosion of confidence by what has been published. It saddens her to hear a request for resignation and to see a resignation from a party affiliation. She hopes that these differences can be worked out in harmony.

21. Steve Fisher, 1014 Neal Drive. Mr. Fisher spoke to the Council and said that five weeks ago he raised a question concerning the policing of property in his neighborhood that is littered with trash. As of Sunday the trash was still there as was skids, chemical drums, cloudy red film in the creek, trash bags etc. He said he wondered if Licenses and Inspection has gotten to this.

The City Manager explained that the Licenses and Inspection staff and the Recreation and Parks staff has had a conflict over who is responsible for policing this property. It appears that most of the trash originated on private property and the staff will be in touch with the owner.

Mr. Fisher commented that if the City is now enforcing the sign ordinance on portable signs, he noted that there are still two up by the Harlequin Dinner Theatre. The City Manager asked specifically where the signs were located since part of the shopping center is in Montgomery County. He said he will have the City look into it.

22. Sima Osdoby. Ms. Osdoby said she has developed a deep and personal respect for all of the Council. She said she knows that all work very hard for the best of the City. She added, though, that she does not like to hear "the messenger killed" and told Councilman Abrams that he was one of the few she expected this from. In the past two months, she has heard from a lot of citizens and does not feel that they have been orchestrated. She added that Mayor Freeland has courage to listen to all this, as does Councilman Duncan. She said she expects more of the Council and to observe respect for fellow councilmembers. She does not like to see citizens cross-examined from the Council. She said elections are conducted "gentlemanly" and thinks this subject can be done as well. She thinks Councilman Abrams needs to show respect to citizens.

Councilman Abrams said he has respect for the citizens and for the law. He said his purpose is to probe, not attack and feels the need to expel this. He said he has concern with the knowledge he has and is concerned with the whole issue. He said if he had a problem he would deal with it. He is concerned with the well-intentioned misunderstanding of the law and campaign being mounted. Ms. Osdoby said this can be done without calling names. Councilman Abrams said he is not calling names and asked again what the Mayor has done that is so wrong.

Councilwoman Hovsepian called a halt to this discussion.

23. Richard Arkin, 525 Lynch Street. Mr. Arkin said he cannot remember the last time he addressed the Mayor and Council. Mr. Arkin noted that the

resolution by the West End Citizens Association was not on their agenda. The Resolution was voted unanimously by those present. He said if he was there he would have opposed it. He hopes that all will return to civility about this issue. He said he would like to take issue with Mr. Lawrey for calling for Mr. Duncan's resignation as well as the Mayor's.

He said he was puzzled when he read about the Mayor's new position. He said he talked to the Mayor and he answered his questions but was still puzzled. He attended the IFR Board meeting where the resolution for support was adopted. He said he took the resolution to mean the "Mayor's personal action".

He talked next about the guidelines adopted by the Council and how they have gone several steps over the present ordinance. He mentioned that boards and commissions have been asked their opinion of adopting it. He said he has no problem in adopting it - personally. He explained how on the Board of Appeals a board member has to abstain from decisions many times and added that the Mayor and Council will have to work with four instead of five.

He said that so far there has been no illegality brought forward, even Councilman Duncan has said there is nothing illegal. If there was, then the Council should and would bring it forward. He said the next election is only 14 months away and that is the time when the voters should decide this issue. He said that if an ethics ordinance is so tight that only the rich can run then the City would have a government such as D.C. or Montgomery County.

24. Tom Broad, President of the East Rockville Citizens Association. Mr. Broad said the members of the Executive Board have asked for a statement of support on the Mayor's job with Eisinger/Kilbane & Associates. He noted the Mayor's past service and his integrity, but he is not convinced that all the members of the East Rockville Citizens Association are aware of the situation or implication. He said he is not prepared to say that they are in support of or

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not in support of the Mayor. He noted that there has not been enough talk to put this subject on the agenda.

25. Mr. Homer Brock. Mr. Brock addressed the Mayor and Council concerning the controversy surrounding the Mayor's job with Eisinger/Kilbane & Associates and told a joke that related to this whole controversy.

26. Arnold Barnett. Mr. Barnett said he supports Mayor Freeland and added that if resigns he will be missed. He said the very fact that the Mayor is working for Eisinger/Kilbane will keep them from doing further business in the City.

27. Bernice Crossman. Mrs. Crossman said she has been a City resident for 38 years. She said regardless of what job the Mayor takes, he would still be scrutinized. She has watched the City grow in the past 10 years and she was hurt when she saw in the paper that the Mayor was going to be asked to resign. The Urban Development has helped Rockville tremendously and is sorry to see what has happened to the Council. She said she supports the Mayor.

28. Jim Vitol. Mr. Vitol said he is presently a member of the IfR. He said there is a problem in that the Mayor cannot serve two masters. He said Eisinger/Kilbane & Associates will have to come in for zoning, permits etc.

Mayor Freeland said that is an assumption and that they will not be before the Council on those positions. Those are strictly planning matters and would come before the Mayor and Council on policy making decisions.

Mrs. Barnett, present in the audience explained that Special Exceptions, Use Permits and all other things mentioned by Mr. Vitol go before the Board of Appeals and/or the Planning Commission and all businesses are carefully scrutinized.

29. Rev. Kaseman. Rev. Kaseman asked that people be sensitive to other people's beliefs. He asked that people please understand that there are people with different sensitivity and perspectives. He appreciates where everyone is

coming from and can see how people can easily be offended. He asked everyone to be more relaxed and appreciative of everyone's feelings. He said he has listened to people who are concerned with the spirit of the law instead of the letter of the law.

30. Marilyn Freeland, 625 Warfield Drive. Mrs. Freeland wished her husband a Happy 30th Anniversary.

31. Carole Cohen. She said she feels strongly about having citizen's forum at Mayor and Council meetings which she noted cannot be done at the County meetings. She said this puts responsibility on citizens.

There being no other person wishing to address the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

(At this time the Mayor and Council took a 10 minute recess)

Re: Decision and
Instructions to staff
re Permit Parking
District on Wain-
wright Avenue

The Mayor and Council held a public hearing on this matter on July 9, 1984. The major concerns of the residents of Wainwright Avenue is to be able to park in front of their houses when they come home from work in the evening and on the weekend. The primary cause of the problem has been the parking from people who utilized the school facilities in the evening and on the weekend. It is presently more convenient for these people to park in front of the residences on Wainwright Avenue than to use the school's parking lot.

Though taking a piecemeal approach to granting permit parking districts is not the most efficient method, the severity of the present condition and the high level of concern exhibited by the residents of Wainwright Avenue supports taking immediate action. The staff, therefore, recommends that the Mayor and Council approve the creation of a permit parking district from 5:00 p.m. to

10:00 p.m. Monday-Friday and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday on the residential side of Wainwright Avenue.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant the permit parking district as recommended by staff.

Councilman Tyner noted that the TCA is working on an overall review of permit parking in their area and asked that staff implement it when it is ready.

Re: Decisions and
Instructions to staff
re Work Session on
Ethics Ordinance

The Mayor and Council discussed whether the Mayor should leave the room or step down from the Chair while this subject is discussed. It was decided that the Mayor would step down from the chair and would be able to interject on any item he would want to comment on. Mayor pro tem Tyner took the Chair and said he would like to go through through the ordinance section by section.

The Council asked that Section 2-101 be addressed by the memo of August 22 written by Marcia Stahl. The City Manager said the City Attorney should be instructed to prepare the necessary legal documentation and draft appropriate language to include the memo of August 22, page 2.

Councilwoman Hovsepian said Section 1-102(c) under General Provisions, she would like to change the word "minimum" to "specific". Councilman Abrams said to do that would weaken instead of strengthen. Councilwoman Hovsepian asked then if "minimum and specific standards" would be better. Mayor pro tem Tyner said he agrees with Councilman Abrams and asked the City Attorney to think on how to strengthen language to express Councilwoman Hovsepian's thoughts.

Under Section 1-103, Definitions, Councilman Abrams asked that the Landlord/Tenant Commission be included under "Elected and Appointed Officials". Mayor pro tem Tyner suggested that staff look at the Dallas Ordinance and look into

incorporating its definitions. He also said he would like to have the Financial Disclosure Statement filing requirement extended to those as discussed in the Policy Statement approved by the Council on August 13.

Councilwoman Hovsepian said she is having a problem with the lateness of the evening. She does not feel competent to continue this discussion by going back and forth, back and forth. She asked that the Council move on to the regular business on the agenda. Councilman Duncan asked if he could go through his points. Councilman Abrams suggested that rather than do this work session in piece meal he suggested deferring the issue for tonight. Mayor Freeland said Councilwoman Hovsepian has a good point and suggested that the Council pick another time when it would be addressed specifically. Mayor pro tem Tyner said there are some specific items he would like to give to the City Attorney for his review. Councilman Duncan said he would pass on his thoughts to City Attorney at a later time.

It was the consensus of the Council to continue this discussion on Wednesday, August 29, 1984, at 7:00 p.m. in the Board and Commission Room.

Re: Adoption of Resolution:
To support regional action to
improve 911 Emergency
Systems

Resolution No. 31-84

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 31-84, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, to support regional action to improve 911 Emergency Systems, was adopted by the Mayor and Council.

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Re: Decisions and
Instructions to staff
re: Text Amendment
Application, T-60-84,
Mayor & Council of
Rockville, Applicant,
to eliminate payment
bond requirements &
to further give the
City Manager
discretion to accept
performance security
other than surety
bonds

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Text Amendment Application, T-60-84, to eliminate payment bond requirements and to further give the City Manager discretion to accept performance security other than surety bonds.

Re: Decision and
Instructions to staff
re: Street Closing
Application, SCA-48-
84, WMATA, Applicant,
portion of Westmore
Road at B & O Rail-
road tracks

Mayor Freeland said he will not vote on this issue but indicated that if he was voting, he would vote to support the abandonment of the road. He said it is a clear situation that should have been done a while ago and clarifies that there is no direct interest by his employers and that he did not join in the discussion of this matter earlier.

On motion of Councilman Hovsepien, duly seconded and passed, Mayor Freeland abstaining, and the rest of the Council all voting aye, staff was instructed to prepare the necessary legal documentation to abandon a portion of Westmore Road at the B & O Railroad tracks as to staff recommendation. Councilwoman Hovsepien noted that this portion of Westmore is already abandoned for all intent and purposes.

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Re: Adoption of
Ordinance: To grant
Section 7-2.11c of
Chapter 7, entitled
Water & Sewer Utili-
ties to deal with
sewer backups

Ordinance No. 32-84

On motion of Councilman Tyner, duly seconded and unanimously passed,
Ordinance No. 32-84, the full text of which can be found in Ordinance Book No.
12 of the Mayor and Council, amending Section 7-2.11c of Chapter 7, dealing with
sewer backups, was adopted by the Mayor and Council.

Councilwoman Hovsepien said she appreciated the Director of Public Works
taking the time to explain this to her so that she better understands.

Re: Adoption of
Ordinance: To grant
Text Amendment T-53-
82, Prudential
Insurance Co., Appli-
cant, Special
Development Standards
in the I-3 zone, to
allow site design
flexibility.

Ordinance No. 33-84

On motion of Councilman Abrams, duly seconded and unanimously passed,
Ordinance No. 33-84, the full text of which can be found in Ordinance Book No.
12 of the Mayor and Council, allowing site design flexibility in the I-3 zone,
was adopted by the Mayor and Council.

Re: Adoption of Resolu-
tion: To set fees
for Applications for
final record plats
and ownership plats

Resolution No. 32-84

On motion of Councilman Abrams, duly seconded and unanimously passed,
Resolution No. 32-84, the full text of which can be found in Resolution Book No.

8 of the Mayor and Council, to set fees for applications for final record plats and ownership plats, was adopted by the Mayor and Council.

Councilwoman Hovsepian questioned the difference in fees and asked if the City will be getting any more money. The City Manager explained that by adding this new ownership plat requirement it would require more staff time to research it.

Re: Resolution: To extend CDBG Cooperative Agreement with Montgomery County

Resolution No. 33-84

Montgomery County has invited the City of Rockville to sign a new CDBG Cooperation Agreement which would cover the three year period beginning October 1, 1985, through September 30, 1988. The current three year Agreement expires September 30, 1985.

During the past seven years, the City has entered into Cooperation Agreements with Montgomery County for the purpose of obtaining Community Development Block Grant (CDBG) funds. These agreements authorized the County to include the City's population in computing the amount of CDBG funds the County would receive from the U.S. Department of Housing and Urban Development (HUD).

An Executive Order was passed by Montgomery County on June 11, 1984, which permits cooperating municipalities, beginning July 1, 1985, (FY 86) to receive that portion of funds it contributes as a result of its population to Montgomery County's total allocation. In the case of the City of Rockville, the Department of Housing and Urban Development has determined that amount to be \$495,000 for FY 1986. These funds may be passed directly to the City, once the County's Department of Housing and Community Development reviews our proposals and confirms that the request are CDBG eligible.

A principle change in procedures from past years is a requirement that the City conduct a public hearing to receive citizen input on the use of the "pass-through funds." A public hearing for that purpose is scheduled for September 10, 1984.

The alternative to entering into a Cooperation Agreement with the County is to participate in the CDBG Small Cities Program. Because of the competitive nature for limited program funds, the City has not elected to pursue this course in the past. It was felt that Rockville would experience difficulty competing against less affluent communities. There is also no guarantee that the Small Cities Program could match the level of funding guaranteed by the Cooperative Agreement.

It is therefore recommended that the City Manager be authorized to execute the Community Development Block Grant Cooperation Agreement for FY 86, 87 and 88.

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 33-84, to extend CDBG Cooperative Agreement with Montgomery County, was adopted by the Mayor and Council.

Re: Request for Waiver of
on-site storm water
management: 1471
Rockville Pike (rear)

Recently, a 33,977 square foot area (0.78 acres) located at the rear of Shakey's at 1471 Rockville Pike was paved to provide additional parking for IBM tenants at the contiguous Hines Building. This site is in the Cabin John drainage area. The applicant erroneously assumed a previous use permit gave him the right to pave the area, but it did not. He is seeking a use permit at this time. Runoff from the site drains to and through an existing private on-site SWM facility built in 1974. When the adjacent stores were developed, the NSCD required the construction of an open basin southwest of Wagner Road in the lower

portion of this site. The structure served first as a sediment control basin during construction and then as a SWM structure to control the two year peak runoff from the adjacent stores. This open basins has been difficult to maintain and could pose both a safety and health problem.

The Montrose Park SWM facility is easier to maintain and is scheduled for construction this fiscal year. It will provide superior storm water management for the entire area bounded by Rockville Pike, Woodmont County Club, and the south boundary of the City. This facility will provide the higher standard of controlling 10-year storm now designed for all new Rockville SWM structures.

An existing adequate storm drainage system will convey the runoff from this 0.78 acre area to the Montrose Park project, located some 3,000 feet downstream. Therefore, it is recommended that the City waive the on-site SWM requirement for the subject lot and accept a contribution of \$9,360 (0.78 acres @ \$12,000) toward the public SWM program, subject to concurrence by MSCD.

On motion of Councilman Tyner, duly seconded and unanimously passed, waiver of on-site storm water management for 1471 Rockville Pike, was granted as staff recommended.

Re: Decision on Creation
of Task Force to re-
commend on formation
of a Public Safety
Commission

Councilwoman Hovsepian said she is opposed, at this time, to the creation of a safety commission. She said the work load at the present time is more than enough but she would look at this proposal in the future. Councilman Duncan agreed with Councilwoman Hovsepian's comments. Mayor Freeland said this has been looked at before but brought up this time because of a particular situation. He said he would agree to putting this subject on a future agenda, possibly in January.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the decision on formation of a Public Safety Commission was postponed to some time in the future.

Re: Decision on Holiday
Decorations for
Courthouse Square

A committee was established to review various holiday lighting or decoration options for Courthouse Square. The committee was comprised of staff members Jerry Harvey, John Hayes, Mike Critzer, Ron Olson, and Mr. John Springer, a Rockville resident.

The first meeting was held at the site and various types of decorative systems were discussed along with the advantages and disadvantages of each idea. The following is an outline of the various ideas which the committee felt would be the most effective.

1. Outline the main ribs of the gazebo dome, upper dome, face board surrounding the dome base and also outline the street trees in Courthouse Square with small, white, 5-watt lights spaced approximately six inches apart. Approximately \$2,640.00
2. Outline the arcade flag tower from the four corners up to the apex base of the flag pole with small, white, 5-watt lights spaced approximately six inches apart. Install a spot floodlight on the roof of the arcade to cast a ray of light on the flag at the top of the tower. Approximately \$2,400.00
3. Outline the street trees only in small white or colored, 5-watt lights spaced six inches apart. Approximately \$640.00.
4. Place spotlights along interior of arcade so as to create an interior shadow light effect with a different color for each section. Approximately \$246.33.
5. Direct floodlights at the exterior of the gazebo dome and flag tower. Gazebo approximately \$60 plus lamps. Flag tower approximately \$60 plus lamps.
6. Paint or place colored lenses over the lamps which light the street trees in Courthouse Square so as to bathe each tree in a different color light. Cost: Paint and lamps.

After researching this proposal, the commission found that it was not technically advisable. There are no colored lenses designed to be used in connection with the sodium vapor lights and painting the bulbs would create a heat buildup which could significantly shorten the bulb's serviceability.

7. Place spotlighting in interior of gazebo and flag tower so as to create a shadow light effect either with color or white light. Approximate gazebo cost \$66.00 plus lamps. Approximate flag tower cost \$66.00 plus lamps.
8. Hang commercially constructed holiday decorations such as a candle flame or wreath around the Washington Globe Street Lamp globes, or a snowflake type decoration from pole 3/4 high. Approximately \$375 per unit.
9. Place candy-striped garland around each street lamp pole or along arcade and gazebo. Approximately \$40.00 per pole.

After investigating cost and discussing questions of maintenance, durability, vandalism, storage requirements and energy efficiency the committee recommends that the City:

1. Outline lights in small, white, 5-watt lights, spaced approximately six inches apart on the following:
 - a. Gazebo dome, along the ribs, upper dome and the surrounding face board at the base of the dome;
 - b. Arcade flag tower from the four corners up to the apex base of the flag pole with an optional spotlight on the arcade roof to direct a beam of light on the flag;
 - c. Street trees in the square.

It is estimated that the cost of this lighting will be approximately \$5,040. The committee feels that this approach will provide for a very appealing special effect which can be used during the holiday season without concerns for offending religious sensitivities. The lights are energy efficient, inexpensive, and require very little storage space. Although the lights outlining the street trees may be prone to some vandalism the lights are durable with normal use and should be usable for many years.

Most of the cost for this decorative plan is related to the electrical junctioning and the installation of the fixture to secure the string of lights

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to the buildings. The lights and wires are very inexpensive should replacement become necessary at some time.

A cherry picker type of equipment may be needed to install lights each year and take them down. This could be contracted or perhaps the fire department would agree to provide this service.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, staff's recommendation to outline gazebo dome, arcade flag and street trees in the square in small, white 5-watt lights, was approved by the Mayor and Council.

Mayor Freeland expressed his appreciation to the staff and thanked them for their good report.

Re: Recession of Bid Bid
No. 5-0028-21-00 -
Heating Oil

On August 13, 1984, the Mayor and Council awarded a contract for the purchase of Heating and Fuel under the terms of the Council of Governments Invitation for Bid 5-0028-21-00. Phoenix Petroleum received award for the delivery of #2 Heating Fuel under Truck Transport Delivery Terms (over 8,000 gallons). Steuart Petroleum received award for the delivery of #5 Heating Fuel under Tank Wagon Delivery Terms (7,999 gallons or less).

During the process of completing contracts with the above-referenced companies, the Contract Officer determined that an error had been made due to transposition of the delivery terms; i.e. #2 Heating Fuel should have been awarded based on Tank Wagon Delivery terms and #5 Heating Fuel should have been based on Truck Transport Delivery terms.

The Contract Officer contacted the City Attorney's office and confirmed the propriety to rescind the original award. The original award may be voided and the City may make a new award against the original Invitation for Bid. The companies were both contacted and have agreed to the change in the award.

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Based on Tank Wagon Delivery Terms, award should be made to Steuart Petroleum for the purchase of #2 Heating Fuel as follows:

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
#2 Heating fuel	11,000	gallons	\$.8725	\$9,597.00
#2 County Energy Tax	11,000	gallons	\$.01330	\$ 146.30
TOTAL				\$9,743.30

Based on Truck Transport Delivery terms, award should be made to Steuart Petroleum for the purchase of #5 Heating Fuel as follows:

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total</u>
#5 Heating Fuel	15,000	gallons	\$.7812	\$11,718.00
#5 County Energy Tax	15,000	gallons	\$.01390	\$ 208.50
TOTAL				\$11,926.50

As a result, the total net change in the amount of the Contract is \$37.25.

Staff recommends that Steuart Petroleum retain the award for #5 Heating Fuel and that Steuart Petroleum receive award for the purchase of #2 Heating Fuel in lieu of Phoenix Petroleum. It is also recommended that Mayor and Council reaffirm the agreement to the extension of the contract for two (2) additional one (1) year periods upon review by the Mayor and Council ninety (90) days prior to the end of the base year which ends July 31, 1985.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, Bid No. 5-0028-21-00 for #2 and #5 Heating Fuel awarded on August 13 was reawarded as recommended by staff.

Re: Award of Contract:
Bid No. 16-85, Storm
Drainage and Sanitary
Sewer Construction

bids were opened at 3:00 p.m. Thursday, August 9, 1984, in the Mayor and Council Chambers. The bids cover two separate projects:

- a) The rebid of the Edmonston Drive drainage project previously rejected under Bid 67-84, and
- b) The installation of a replacement sanitary sewer in Broadwood Drive.

Eight firms requested bid documents and, of that number, six bids were received. The bids are as follows:

	<u>Edmonston Drive</u>	<u>Broadwood Drive</u>
Calcon Co., Inc., Gaithersburg, Md	\$13,659.00	\$18,180.00
Nazario Construction Co., Inc., Beltsville	13,890.00	21,040.00
Deneau Construction, Inc., Gaithersburg, Md	15,511.00	17,272.00
Damascus Contractors, Inc., New Market, Md	16,948.00	32,575.00
Peak, Inc., Beltsville, Maryland	18,075.00	19,041.00
Rapp Contracting, Inc., Beltsville, Md	18,978.00	19,184.00
Engineer's Estimate	\$ 9,916.00	\$17,000.00

The Edmonston Drive Project is a rebid of Bid No. 67-84 wherein the low bid of \$17,600 was rejected by the Mayor and Council in June, 1984, as excessive in cost. This project extends through the rear lot of 346 Edmonston Drive and was authorized to eliminate a backyard storm drainage problem created by the concentration of stream flows years ago when the area was originally developed. It will be partially funded from a \$2,000 contribution placed in escrow by the land developer with the balance from the City's general fund.

The Broadwood Drive project provides for CIP project E414 which covers the replacement of an 8" sewer main in Broadwood Drive, between Veirs Mill Road and Grandin Avenue. The existing sewer main has experienced several recent stoppages due to partial collapsing of the old, badly deteriorated main. To prevent future blockages, it is necessary to replace the line.

The rebidding of the Edmonston Drive Project has resulted in a cost reduction of \$3,941 (22%). It is the staff's opinion that the cost is still excessive. Staff had originally recommended at the time the previous bid was rejected that if a reasonable bid was unattainable at rebid the work could be accomplished by City maintenance forces working on overtime, which is estimated to cost \$8,500. This still seems to be a reasonable approach.

The remaining funds in the original appropriation are \$4,996.00. If the bid is accepted, an additional \$8,663.00 appropriation will be required. If the

bid is rejected and the work accomplished by City forces, an additional \$3,504 will be required.

The low bid by Deneau Construction, Inc., for Broadwood Drive Sewer is very close to the Engineer's Estimate and adequate funding is available. This company has performed similar projects for the City and their work has always been satisfactory.

Staff recommend that award for the Broadwood Drive sanitary sewer project be awarded to the low bidder, Deneau Construction, Inc. in the amount of their bid of \$17,272.00; reject the Edmonston Drive storm drainage project and authorize the City staff to undertake the project on an overtime basis, and increase the authorized appropriation for the Edmonston Drive storm drainage project by \$3,504.00.

Councilwoman Hovsepien asked how this would affect the budget since it has already been set. The City Manager explained that this would be done by a bond process and would reset the appropriation at mid-year review.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 16-85 for storm drainage at 346 West Edmonston Drive and Sanitary Sewer in Broadwood Drive was approved as to the staff's three-part recommendation.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Ida Takahashi, re thank you
2. Petition, re Mayor's employment

Re: Information Items

The Mayor and Council noted the following items of information:

1. Response to citizen's letter
2. Information on St. Luke's House
3. Letter re pavement marking machine

4. Letter complimenting staff

Re: New Business

1. A memo was given to the Council from the City Manager concerning additional funds needed for the replacement of Crab Apple Trees.

Councilman Abrams asked if all the communities involved were agreeable to the White House Bradford Pear. Mr. Olson said all at the meeting agreed to this. Mayor Freeland asked where the money will come from. Mr. Blick said it will be transferred from Targets of Opportunity and money will be appropriated at mid-year review.

On motion of Councilman Abrams, duly seconded and unanimously passed, authorization was given for the replacement of 357 Crabb Apple trees with the White House Bradford Pear and to increase the budget appropriation by \$15,000.

2. Councilman Tyner said he has the Tax Reform Act for 1984 from the National League of Cities and has passed it on to the Mayor. He also mentioned that he has asked David Podolsky, Assistant City Attorney, to prepare a memo on the Municipal Health Issues. It is in the brief book tonight under other items and asked that the Council keep it as he will be bringing it back before them at another time.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed the Minutes of Meeting No. 26-84, August 13, 1984, were approved as amended.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at midnight to convene again in work session on Wednesday, August 29, 1984, at 7:00 p.m. in the Board and Commissions Room or at the call of the Mayor.